

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:11CR127
vs.)
CARLOS FRANCISCO GASPAR-PENA,)
JOSE LUIS RIVERA, and)
JUAN RODRIGUEZ,)
Defendants.) ORDER

This matter is before the court on the motion for an extension of time by defendant Jose Luis Rivera (Rivera) (Filing No. 35) and Juan Rodriguez (Rodriguez) (Filing No. 36). Both defendants seek an extension of thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 22). It is represented that government's counsel has no objection to the motion. Rivera has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Rodriguez's counsel represents Rodriguez will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted.

IT IS ORDERED:

Defendants Rivera's and Rodriguez's motions for an extension of time (Filing Nos. 35 and 36) are granted. The defendants are given until **on or before June 20, 2011**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 19, 2011, and June 20, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 19th day of May, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge